

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 12 AUG 1999

WIPO

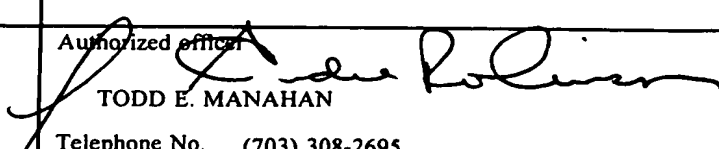
Applicant's or agent's file reference 8956.2	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/06452	International filing date (day/month/year) 01 APRIL 1998	Priority date (day/month/year) 03 APRIL 1997
International Patent Classification (IPC) or national classification and IPC IPC(6): A45D 29/04; and US Cl.: 132/76.4, 200		
Applicant RUDOLPH, JAMES M.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 OCTOBER 1998	Date of completion of this report 21 JULY 1999
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  TODD E. MANAHAN
Facsimile No. (703) 305-3230	Telephone No. (703) 308-2695

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/06452

**I. Basis of the report**

1. This report has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain*

- ☐ the international application as originally filed.
- ☒ the description, pages 1-8 , as originally filed.  
pages NONE , filed with the demand.  
pages NONE , filed with the letter of \_\_\_\_\_.  
pages \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-29 , as originally filed.  
Nos. NONE , as amended under Article 19.  
Nos. NONE , filed with the demand.  
Nos. NONE , filed with the letter of \_\_\_\_\_.  
Nos. \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/~~fig~~ 1 , as originally filed.  
sheets/~~fig~~ 2, 3 , filed with the demand.  
sheets/~~fig~~ NONE , filed with the letter of \_\_\_\_\_.  
sheets/~~fig~~ \_\_\_\_\_ , filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE .
- ☒ the claims, Nos. NONE .
- ☒ the drawings, sheets/~~fig~~ NONE .

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/06452

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>2-8, 10-29</u>	YES
	Claims <u>1, 9</u>	NO
Inventive Step (IS)	Claims <u>4, 16, 19-29</u>	YES
	Claims <u>1-3, 5-15, 17, 18</u>	NO
Industrial Applicability (IA)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1 and 9 lack novelty under PCT Article 33(2) as being anticipated by Piantedosi. Piantedosi discloses an abrasive device comprising a plastic support member having an abrasive surface, and a sanitizing agent coated thereon.

Claims 2, 3, 6-8 and 10-13 lack an inventive step under PCT Article 33(3) as being obvious over Piantedosi. To use an oil based sanitizing agent, a citrus fruit extract, a fungicide such as itraconazole, terbinafine, or fluconazole, or a germicide such as dimethyl benzyl, ethyl benzyl, gasoline or pine oil, would not have involved an inventive step as such merely amounts to selection of known materials based upon suitability for intended use.

Claim 6, to use granular abrasive particulate instead of the molded abrasive surface would not have involved an inventive step as such merely amounts to substitution of functionally equivalent abrasive structures.

Claims 5, 14, 15, 17 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Piantedosi in view of Gordon et al. Piantedosi discloses the claimed invention except for the sanitizing agent or composition being contained in micro-capsules. Gordon et al. disclose a cleansing pad having a cleansing or sanitizing solution therein. The sanitizing solution is contained in micro-capsules. To micro-encapsulate the sanitizing agent of the device of Rose et al. in order that the sanitizing agent only be released when pressure is applied to the device thus rupturing the capsules in view of Gordon et al. would not have involved an inventive set.

Claims 14 and 15, making such micro-capsules between 12 microns and 50 microns in diameter, or with a shell wall of between 1/50 micron and 1/200 micron would not have involved an inventive step because discovering optimum or workable ranges involves only routine skill in the art.

(Continued on Supplemental Sheet.)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/06452

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Sheet 10

Continuation of: Boxes I - VIII

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (CONTINUED):

CLAIM 4 MEETS THE CRITERIA SET OUT IN PCT ARTICLE 33(2)-(4) BECAUSE THE PRIOR ART DOES NOT TEACH OR FAIRLY SUGGEST THE SANITIZING AGENT INCORPORATED IN A SLURRY OF ADHESIVE, AND GRANULAR ABRASIVE PARTICULATE.

CLAIMS 16 AND 19-21 MEET THE CRITERIA SET OUT IN PCT ARTICLE 33(2)-(4) BECAUSE THE PRIOR ART DOES NOT TEACH OR FAIRLY SUGGEST THE SANITIZING AGENT MIXED WITH A LIQUID CARRIER APPLIED TO THE SUPPORT SURFACE, AND THE LIQUID CARRIER THEREAFTER BEING REMOVED TO LEAVE THE SANITIZING AGENT ON THE ABRASIVE SURFACE.

CLAIM 22 MEETS THE CRITERIA SET OUT IN PCT ARTICLE 33(2)-(4) BECAUSE THE PRIOR ART DOES NOT TEACH OR FAIRLY SUGGEST A FILE COMPRISING A WOODEN SUPPORT MEMBER HAVING A FILM WITH AN ABRASIVE SURFACE WHICH IS AT LEAST PARTIALLY COVERED WITH A SANITIZING AGENT THAT IS RELEASED UPON USING THE FILE, AND MAINTAINS ITS EFFECTIVE SANITIZING ACTIVITY FOR AT LEAST 3 MONTHS AFTER COATING.

CLAIMS 23-29 MEET THE CRITERIA SET OUT IN PCT ARTICLE 33(2)-(4) BECAUSE THE PRIOR ART DOES NOT TEACH OR FAIRLY SUGGEST A METHOD OF TREATING HUMAN NAILS COMPRISING FILING THE NAILS WITH A FILE WHICH HAS, UPON THE ABRASIVE SURFACE THEREOF, A COATING OF A SANITIZING AGENT THAT IS RELEASED UPON USE OF THE FILE, AND APPLYING SUFFICIENT PRESSURE DURING FILING TO RELEASE THE SANITIZING AGENT SO THAT THE SANITIZING AGENT CONTACTS THE NAIL BEING FILED.

NEW CITATIONS

NONE